

# City of Dorris

P.O. Box 768 ~ Dorris, CA 96023

Ph: 530-397-3511 ~ Fax: 530-397-8831 ~ [citystaff@cot.net](mailto:citystaff@cot.net)

COPY

June 2, 2009

Honorable Laura Masunaga, Presiding Judge  
Superior Court  
P.O. Box 1026  
Yreka, CA 96097-1026

RECEIVED  
JUN 2 2009  
SUPERIOR COURT

RE: 08-09 Grand Jury Report and Response

Dear Judge Masunaga:

The City of Dorris is submitting their response to the 08-09 Grand Jury Report per Government Code.

We are submitting not only the City Council's response to the requested recommendations, but the Mayor, City Administrator, and City Clerk's responses.

If you have any questions, or need more information, please contact me at 397-3511 or email to [cityadmin@cot.net](mailto:cityadmin@cot.net).

Sincerely,



Carol McKay  
City Administrator

Cc: City Clerk  
Council Read File  
Correspondence file

**City of Dorris**  
**P.O. Box 768**  
**Dorris, CA 96023**  
**530-397-3511; FAX 530-397-8831**

June 1, 2009

Honorable Laura Masunaga, Presiding Judge  
P.O. Box 1026  
Yreka, CA 96097-1026

Re: Required Reporting for Grand Jury Findings and Recommendations

Dear Judge Masunaga:

The Dorris City Council submits the following response to the Findings and Recommendation on the complaint of the Dorris Citizens Question Utility Fee Increases

This letter is issued in accordance with California Penal Code sections 933 & 933.05.

**Findings:**

The City Council agrees with all the findings except the following:  
Finding #2-The notice stated the "owner of record of a parcel or parcels....etc may submit a protest..." The law does not state that we have to mail more than one notice per property owner. Just that we have to identify the parcels, which was done. It would not be cost effective to mail one property owner several notices.

Finding #3- The forms were reviewed by the city attorney, City Clerk, Deputy City Clerk and City Administrator for clarity and required information. The law mandates what information has to be submitted with this notice. Any type of legal notice is confusing and the City can be liable for giving advice or false impression of information. The form was kept as basic as possible within state mandated information that was required. We are enclosing the notice for your review. If you have suggestions on how it can be clarified, simplified or if we should remove the protest ballot entirely and let citizens submit their own protest form, please let us know.  
Finding #9- According to what the City knows on Prop 218, our contracted solid waste collection fees do come under this mandate. City passed the resolution for the solid waste fees increase as a resolution as this is not a city law, but a contracted service. The City did pass the water/sewer rate increase as this utility was created and regulated by City ordinance. Changes to a city law would need to be done by the ordinance procedure.

**Recommendation Response to R3, R6, R9, R10:**


R3-The Council makes every effort to provide the citizens information and opportunity to speak on items under their influence and decision-making process. As stated above, every effort was made to clarify the Prop 218 process to the community. Forms and policies are approved by this Council before they are used by the City.


R6-One of the reasons the City built the electronic message board was for community information, as we do not gain any funds for this service. These notices along with many other City notices are put up on our board. A newsletter would be cost prohibitive as our utility bills are mailed on a postcard. The Council would need to be able to justify this additional cost especially in this time of economic depression. Estimated cost for publishing, printing and mailing is \$400.00. Flyers and notices are posted around the City to communicate information. City Hall is always willing to give information or help the citizenry.

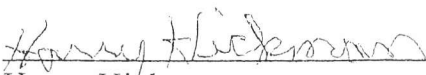
R-9- As explained above, citizens were told the difference during the meeting and passage. Council will repeat why the procedures are different again when this issue is brought before us.

R10-The City will continue to work with the Herald and News or any other paper that might publish here to communicate with our citizens. The City will continue to provide information on the upgrades. A rate study was performed by our engineer. This was noted that it was available to all the citizens in City Hall to show how necessary the fee increase was to our utility system. It is still available for review and we will continue to promote information on our system along with improvements made.

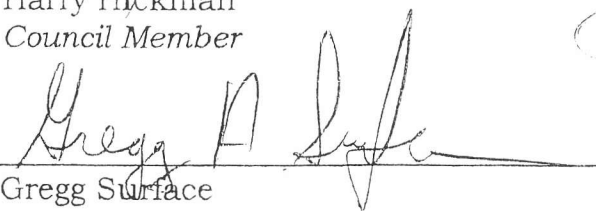
Sincerely,

  
Liz Clontz, Mayor

  
Anita Stevenson, Mayor Pro Tem

  
Harry Hickman  
Council Member

  
Julie Barkman  
Council Member

  
Gregg Surface  
Council Member

Cc: City Clerk  
Correspondence file

**City of Dorris**  
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June 1, 2009

Honorable Laura Masunaga, Presiding Judge  
P.O. Box 1026  
Yreka, CA 96097-1026

Re: Required Reporting for Grand Jury Findings and Recommendations

Dear Judge Masunaga:

The City Of Dorris, at its regular City Council meeting on June 1st, have the following response to the Findings and Recommendation on the complaint of the August 18, 2008 Mayor retirement dinner held at City Hall.

This letter is issued in accordance with California Penal Code sections 933 & 933.05.

**Findings:**

#1-Council agrees with the findings that August 18, 2008 was a social event. To the best of our knowledge we did not know there was any perception of a pre-meeting concern. No citizen complaint or concern was received by the City concerning this retirement party.

#2-Council disagrees with Finding #2 as they did have formal training with Jack Kastorff, in December of 2006 and December 2008. Along with the training, a Council Policy and Procedure manual that includes the Brown Act condensed version is received. Council is aware that training needs to be ongoing and repetitious

#4-Council disagrees with finding. The City does have formal protocol that is printed and read on the agenda at each meeting as listed in quotes below along with the protocol listed in Chapter 3 of the City's Policy/Procedure/Procurement manual for public participation. The Council does have a civility doctrine. See attached City of Dorris manual in Chapter Six, Code of Conduct as follows: "...conduct public deliberations and process openly, unless legally confidential, in an atmosphere of respect and civility,..." .

**"Business of the Audience:**

At this time members of the public will be permitted to comment on any subject within the jurisdiction of the Council, whether or not it is on the agenda for this meeting. The Mayor reserves the right to impose reasonable time limits on comments. Members of the public should note that this might be their only opportunity to speak on an item, which is on the agenda for this meeting, unless it is scheduled for a public hearing, prior to action by the Council. No action or Council discussion can be taken in response to such public comments at this time, except to refer the subject to staff, or place it on the agenda for a later meeting."



**Recommendations:**


R1-This was a retirement party/social gathering. It was not a public sponsored event. The City will continue to post any public sponsored events as per government code requirements and Grand Jury recommendation.

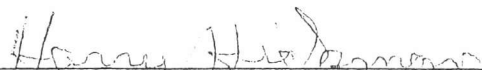
R2-City did have formal training in December of 2006 and December 2008, along with sexual harassment training in 2005, 2006 and 2009. Signed documentation is required for training sessions. Council handbook is given to each member of the Council with condensed version of the Brown Act, Council Policy/Procedure/Procurement and City Council adopted policies within 30 days. Training is ongoing for staff also. Required training thru the City self-insurance agency is required.

R4- The City Council "Code of Conduct and Public Participation" segments of our Policy/Procedure/Procurement manual cover the recommendations being requested. The Mayor or Mayor pro tem read the above-mentioned preamble "Business of the Audience" at each meeting. This procedure was implemented many years ago. The preamble is printed on the agenda and copies are distributed to the public at each meeting. Civility and conduct of the public are addressed through our policy manual.

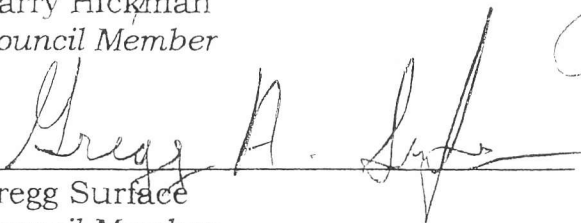
Sincerely,

  
Liz Clontz, Mayor

  
Anita Stevenson, Mayor Pro Tem

  
Harry Hickman  
Council Member

  
Julie Barkman  
Council Member

  
Gregg Surface  
Council Member

Cc: City Clerk  
Correspondence file

Liz Clontz  
P.O. 198  
Dorris, CA 96023

June 1, 2009

Honorable Laura Masunaga, Presiding Judge  
P.O. Box 1026  
Yreka, CA 96097-1026

Re: Required Reporting for Grand Jury Findings and Recommendations

Dear Judge Masunaga:

The Dorris City Mayor submits the following response to Recommendation #5 on the Grand Jury Complaint of Dorris Citizens Question Utility Fee Increases.

This letter is issued in accordance with California Penal Code sections 933 & 933.05.

**Findings:**

#5-It is true that few people did attend the council meeting, I was also absent at this meeting. At that time, I was Mayor Pro Tem. The past Mayor, Ed Traverso, retired in August and I became mayor. To the best of my knowledge, the audience was allowed time to speak and comment on the proposed rate increase as seen by the amount of comments made in the minutes. The following was read after the meeting was called to order as it is during each meeting.

**“Business of the Audience:**


At this time members of the public will be permitted to comment on any subject within the jurisdiction of the Council, whether or not it is on the agenda for this meeting. The Mayor reserves the right to impose reasonable time limits on comments. Members of the public should note that this might be their only opportunity to speak on an item, which is on the agenda for this meeting, unless it is scheduled for a public hearing, prior to action by the Council. No action or Council discussion can be taken in response to such public comments at this time, except to refer the subject to staff, or place it on the agenda for a later meeting.”

**Recommendations:**

R#5-As stated above, both Ed and I read the introduction after the meeting is called to order and before any business is discussed on the

agenda so the public is informed on Council procedure and audience participation.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Liz Clontz', written over a horizontal line.

Liz Clontz, Mayor

Cc: City Clerk  
Council Read File  
Correspondence file

**City of Dorris**  
**P.O. Box 768**  
**Dorris, CA 96023**  
530-397-3511; FAX 530-397-8831

June 1, 2009

Honorable Laura Masunaga Presiding Judge  
P.O. Box 1026  
Yreka, CA 96097-1026

Re: Required Reporting for Grand Jury Findings and Recommendations

Dear Judge Masunaga:

The Dorris City Administrator submits the following response to the Findings and Recommendation on the complaint of the August 18, 2008 Mayor Retirement dinner held at City Hall.

This letter is issued in accordance with California Penal Code sections 933 & 933.05.

**Findings:**

#1-I agree with the findings that August 18, 2008 was a social event. I do not know what citizens perceived as no one complained to me about the retirement party being a secret meeting.

#2-I disagree with Finding #2 as City Council members did have formal training with Jack Kastorff, in December of 2006. Along with the training, a Council Policy and Procedure manual that included the Brown Act condensed version was given to each Council member. Our Mayor who was also Butte Valley Superintendent of Schools is highly trained in open meeting laws.

#3-I do agree with the finding on accommodation for the hearing impaired. This is being improved upon.

#4-I disagree with finding. Council does have a formal protocol that is printed and read on the agenda at each meeting as listed in quotes below along with the protocol listed in Chapter 3 of the City's Policy/Procedure/Procurement manual for public participation. The Council does have a civility doctrine. See attached City of Dorris manual

in Chapter Six, Code of Conduct as follows: "...conduct public deliberations and process openly, unless legally confidential, in an atmosphere of respect and civility,..." .

**"Business of the Audience:**

At this time members of the public will be permitted to comment on any subject within the jurisdiction of the Council, whether or not it is on the agenda for this meeting. The Mayor reserves the right to impose reasonable time limits on comments. Members of the public should note that this might be their only opportunity to speak on an item, which is on the agenda for this meeting, unless it is scheduled for a public hearing, prior to action by the Council. No action or Council discussion can be taken in response to such public comments at this time, except to refer the subject to staff, or place it on the agenda for a later meeting."

**Recommendations:**

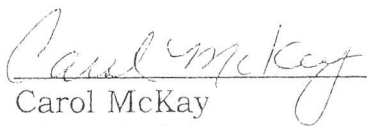
R1-This was a retirement party/social gathering. It was not a public sponsored event. The City will post any public sponsored events as per government code requirements and Grand Jury recommendation.

R2-City did have formal training in December of 2006 and December 2008, along with sexual harassment training in 2005, 2006 and 2009. Signed documentation is required for training sessions. Council handbook is given to each member of the Council with condensed version of the Brown Act, Council Policy/Procedure/Procurement and City Council adopted policies.

R3-The public address system is now being set up for each Council meeting. The City Treasurer is obtaining price quotes for new microphones to be used with our current system.

R4- The City Council "Code of Conduct and Public Participation" segments of our Policy/Procedure/Procurement manual cover the recommendations being requested. The Mayor or Mayor pro tem reads the above-mentioned preamble "Business of the Audience" at each meeting. The preamble is printed on the agenda and copies are distributed to the public at each meeting.

Sincerely,

  
Carol McKay  
City Administrator

Cc: City Clerk  
Council Read File  
Correspondence file

# City of Dorris

## Policy/Procedure/Procurement

### **CHAPTER 1**

#### **COUNCIL POWERS & RESPONSIBILITIES**

##### ***CITY COUNCIL GENERALLY***

The Council shall have the power, in the name of the City, to do and perform all acts and things appropriate to a municipal corporation for the general welfare of its inhabitants, which are not specifically prohibited by the Constitution and laws of the State of California.

The Council acts as a body. Policy is established by majority vote. A decision of the majority binds the Council to a course of action.

No Council member has any extraordinary powers beyond those of other members (except as may otherwise be provided in this Chapter or in State law). All members, including the Mayor, have equal votes.

The Council may authorize the Mayor to make appointments to Council areas of responsibility, boards, and advisory committees.

##### ***Mayor Defined***

The Mayor shall preside at all meetings of the Council and perform such other duties consistent with the office as may be required by the Council or by vote of the people. The Mayor does not possess any power of veto.

The Mayor may make or second any motion, and present and discuss any matter, as a member of the Council.

The Mayor shall be recognized as the official head of the City for all ceremonial purposes.

The Mayor shall serve as Chair of the Disaster Council convened in accordance with the City's Emergency Operations Plan.

The Mayor, or Council designee, may consult and coordinate with the City Clerk in the development of agendas for meetings of the City Council.

##### ***Mayor Pro Tempore – Appointment & Powers***

The appointment of the Mayor Pro Tempore is by the Council.

The Mayor Pro Tempore shall perform the duties of the Mayor during the Mayor's absence or disability.

## ***Council Actions***

Action by the City Council shall be taken by means of ordinance, resolution, or oral motion duly made and passed by the majority (unless otherwise provided in State law).

Public actions of the Council shall be recorded in the minutes of any meeting of the Council. Resolutions shall also be recorded separately, serially numbered, and filed sequentially in the office of the City Clerk. Likewise, ordinances shall also be separately recorded, codified in the Municipal Code, and so remain until amended or voided.

Actions of the Council concerning confidential property, personnel, and legal affairs of the City shall be reported in a manner consistent with State law.

## ***Chapter 2***

### ***Establishment of Areas of responsibility, Boards, & Advisory Committees***

The Council may establish areas of responsibility, boards, and advisory committees to aid in gathering public input.

The Council may adopt criteria for membership on its areas of responsibility, boards and committees provided the criteria do not discriminate based on sex, race, religion, creed, color, national or ethnic origin, or any other classification prohibited by law.

The Council may adopt reasonable methods for selecting members of its areas of responsibility, boards and committees.

The Council may disband any areas of responsibility, board, or advisory body provided State law does not prohibit such action.

## ***Chapter 3***

### ***CITY COUNCIL MEETINGS***

#### **COUNCIL MEETING DEFINED**

A City Council meeting is any publicly noticed congregation of a majority of the members of the City Council at the same time and place to hear, discuss, deliberate, vote upon, and/or otherwise transact the public business that is within the subject matter jurisdiction of the City Council.

The presiding officer may limit public comment/testimony to those matters that are on the meeting agenda or are within the subject matter jurisdiction of the City Council.

## **MEETING SCHEDULE**

The Council shall provide by resolution the time and place for regular meetings.

Adjourned regular meetings, study sessions and workshops may be called by a majority of the Council at a time and place convenient, within the City limits, and advantageous for public participation.

Special meetings may be called by the Mayor or by three members of the City Council with a minimum 24 hours public notice.

## **PUBLIC PARTICIPATION**

It is the policy of the City Council that members of the public shall have the opportunity to speak to any meeting agenda item before final action.

Any person desiring to address the Council shall make themselves known by giving their name and address and secure the permission of the presiding officer. Public remarks shall **generally be limited to five minutes unless** the presiding officer grants additional time. Those persons whose interests are the subject of the matter before the Council may be provided ten minutes with an additional five minutes for rebuttal.

When a group of persons wishes to address the Council on the same subject, the presiding officer may request that a spokesperson be chosen to speak for the group.

The public may request an item be placed on a future agenda, and upon majority action of the Council, the item will be placed on the agenda of a future meeting.

The presiding officer may rule a speaker out-of-order who is speaking too long, being unduly repetitious, or extending discussion of irrelevancies. The presiding officer may rule a speaker out-of-order who is disrupting a meeting with personal, impertinent, slanderous or profane remarks.

Any Council member may request the presiding officer to enforce these rules. The presiding officer, or the Council by majority vote, may exclude or expel all persons from a meeting where a disturbance has been created, which will not allow the meeting to continue unimpeded.

## **MEETING DISCUSSION RULES**

To obtain the floor, a Council member shall first address the presiding officer to gain recognition. Comments and questions should be limited to the issue before the Council.

When present, all Council members shall vote, unless they declare a conflict of interest and do not participate in the discussion.

A vote may be changed by a Council member only immediately after the vote announcement and prior to the introduction of the next agenda item. A Council member is not obligated to state reasons for dissent. Roll call voting is the preferred method for recording Council votes.

## **MEETING AGENDAS**

Agenda format is determined by majority action of the Council.

The order of specific public hearing and business items is determined by the City Clerk based upon anticipated public interest, participation of paid consultants, implementation urgency/time sensitivity,



and other related considerations.

Any Council member may request an item be placed on a future agenda. The public may list an agenda item by filing the City's agenda request form by 12:00 noon on the Wednesday prior to the meeting and submitting proper documentation with the request.

Council Areas of responsibility, Board and Committee recommendations shall be placed on the agenda in a timely manner once a staff report can be prepared.

The City Council cannot take action on items not included on the posted agenda except as provided for emergency or urgent items (as provided in the Brown Act).

Meeting agendas are posted and distributed 72 hours in advance of any Council meeting, except for special meetings.

## **CHAPTER 4**

### ***City Administrator Authorized to Process Council Mail***

Reproduction and Distribution to Council Members - Any written communication, except anonymous correspondence, books, and publications, addressed to the City Council shall be reproduced and distributed to Council Members at the same time, usually in the next Council mail packet, for their use only. Those items not reproduced may be circulated to Council Members. Written complaints will be distributed to council along with a reply or recommendation.

Council Correspondence - All correspondence addressed to the City Council requiring Council action, and all correspondence addressed to the Mayor requiring City Council action, except anonymous correspondence, books and publications and correspondence addressing a specific Council agenda item, shall be placed on the agenda and distributed to the Council in the agenda packet. Any mail received addressed to an individual Council Member will be transmitted unopened to that Council Member in the Council mail packet. Individual council member will be responsible for distribution of unopened mail to all other council members

Correspondence relating to a specific Council agenda item shall be held and duplicated with that item when it is scheduled on the agenda. The City Administrator shall forward Council Correspondence to the City Clerk for placement on the agenda. The City Clerk shall send to the correspondent an agenda for the meeting at which the correspondence is scheduled to be discussed.

Authorization to Take Immediate Administrative Action - The City Administrator is authorized to receive and open all mail addressed to the City Council and give it immediate attention to the end that all administrative business referred to in such communications and not necessarily requiring Council action may be disposed of between Council meetings; provided that, Council Members shall receive, in the next Council mail packet after receipt of any such communication addressed to the City Council, a copy of the communication with a notation on it advising Council Members that staff will respond. Council members may request that such correspondence be placed on the agenda.

## **Chapter 5**

### ***Purchasing/Procurement***

#### ***Purchasing***

All purchases will have an authorized Purchase Order before procurement of operating supplies, materials, equipment and services is ordered. Therefore, payments will not be made for goods or services delivered without an authorized Purchase Order number or City Approval. The standards and procedures for procurement are intended to ensure that supplies, materials, construction, and other services acquired are:

1. Obtained as efficiently and economically as possible;
2. Procured in a manner that provides, to the maximum extent practical open and free competition.

### ***Professional Consultants***

City Administrator, inclusive of the City Council Approval administers the acquisition of professional services. Professional services are defined as those of an attorney, architect, engineer, accountant, or other professionals and specialized consultants. Typically, Liability Insurance and Errors and Omissions Insurance are required for these types of agreements.

### ***Capital Improvements Contracts***

The City's Public Works Department, inclusive of the City Council Approval administers the acquisition of capital improvements. A capital improvement is new construction or remodeling that improves City fixed assets. In addition to the Liability and Errors and Omissions Insurance requirements, these types of contracts generally require bid bonds, performance bonds, progress payments and a retention schedule.

### ***Methods of Procurement***

Procurement and Petty Cash- City personnel are authorized to make small-dollar purchases of nonstandard supplies on an as-needed basis using petty cash and City-issued Purchase Orders.

Open Purchase Order -These types of purchase orders are established with a variety of vendors to allow City personnel to obtain supplies or services directly from prequalified vendors on an as-needed basis for a specific period of time not to exceed the budget amount with City Administrator or Finance Clerk approval for materials exceeding \$200. If amount is more than what is budgeted the item will require prior City Council Approval. In case of emergency, expenditure of funds will be at the discretion of the Department Head and City Administrator for up to \$1,000. If City Administrator is not available the Department Commissioner can give approval of expenditure.

Competitive price quotations may be solicited, and award may be to other than the lowest-priced vendor based on criteria such as location of the vendor to the requesting department and completeness of inventory along with other criteria that may be utilized

Formal Bidding: Formal bidding procedures are utilized when the cost of supplies, materials or equipment required on a single purchase exceed \$10,000 except for Public Works Projects of over \$5,000. The process requires advertising in a newspaper of general circulation, receiving sealed bids, publicly opening the bids and awarding the purchase to the lowest responsive bidder meeting specifications and criteria.

Informal Bidding: This informal process for a single purchase differs from formal bidding in that quotations are solicited from at least three (3) vendors when practicable. These quotes can be obtained either by telephone, fax, e-mail or mail and are not normally advertised. Award is made to the lowest responsive vendor meeting specifications and criteria. If no bids are received, the Council may have the project done without further complying with this chapter.

Request for Proposal (RFP): This is used primarily for services and highly technical commodities. An

RFP differs from a formal bid in that proposals may be solicited in a one- or two-step process. The award can be to other than the lowest-priced vendor. The following criteria are considered when evaluating which proposal is the most advantageous to the City: Cost to the City; Quality of the proposed service; Capabilities and expertise of the vendor; Ability of the vendor to perform; Past service record/references; Proposal that best meets all the requirements of the City.

### **Changes in Orders**

The Purchase Order is the City's contract with the vendor. The Department Head or City Administrator must approve any changes to the contract in writing.

### **Tax**

The City pays California State sales and use taxes when applicable and is exempt from Federal excise tax.

### **Insurance**

Vendors who perform a general service for the City will be required to submit proof of insurance coverage as specified by the State Municipal Code. Standard requirements include General and Automobile Liability Insurance and Workers' Compensation Insurance coverage.

## **Chapter 6**

### **Code of Conduct**

#### **PREAMBLE**

The residents and businesses of the City of Dorris are entitled to have fair, ethical and accountable local government. Such a government requires that public officials:

- Comply with both the letter and the spirit of the laws and policies affecting operations of the government
- Be independent, impartial and fair in their judgment and actions.
- Use their public office for the public good, not for personal gain.
- Conduct public deliberations and processes openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Dorris City Council has adopted this Code of Conduct to encourage public confidence in the integrity of local government and its fair and effective operation.

City Councilmembers shall sign this personal Code of Conduct at the 2<sup>nd</sup> Council meeting in November or as new council members are seated by appointment as a symbol of each Councilmember's continuing commitment to abide by the principles of this code.

#### **Act in the Public Interest**

Recognizing that stewardship of the public interest must be their primary concern, Councilmembers shall work for the common good of the people of the City of Dorris and not for any private or personal interest, and they will endeavor to treat all persons, claims and transactions in a fair and equitable manner.

#### **Comply with the Law**

Amended Dec. 4, 2006

Councilmembers shall comply with the laws of the nation, the State of California and the City in the performance of their public duties. These laws include, but are not limited to: the United States and California constitutions; the City of Dorris Charter; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities and open processes of government; and City ordinances and policies.

#### ***Conduct of Members***

Councilmembers shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the City Council, boards, areas of responsibility, committees, staff or the public.

#### ***Respect for Process***

Councilmember duties shall be performed in accordance with the processes and rules of order established by the City Council.

#### ***Conduct of Public Meetings***

Councilmembers shall inform themselves of public issues, listen attentively to public discussions before the body and focus on the business at hand.

#### ***Decisions Based on Merit***

Council decisions shall be based upon the merits and substance of the matter at hand.

It is the responsibility of Councilmembers to publicly share substantive information that is relevant to a matter under consideration that they have received from sources outside of the public decision-making process with all other Councilmembers.

#### ***Coordination with City Staff***

Appropriate City staff should be involved when Councilmembers meet with officials from other agencies and jurisdictions to ensure proper staff support as needed and to keep staff informed.

#### ***Disclosure of Corruption***

All City officials shall take an oath upon assuming office, pledging to uphold the constitution and laws of the City, the State and the Federal government. As part of this oath, officials commit to disclosing to the appropriate authorities and/or to the City Council any behavior or activity that may qualify as corruption, abuse, fraud, bribery or other violation of the law.

#### ***Conflict of Interest***

In order to assure their independence and impartiality on behalf of the public good, Councilmembers shall not use their official positions to influence government decisions in which they have a financial interest or where they have an organizational responsibility or a personal relationship that would present a conflict of interest under applicable State law.

In accordance with the law, members shall file written disclosures of their economic interest and if they have a conflict of interest regarding a particular decision, refrain from participating in that decision unless otherwise permitted by law.

#### ***Gifts and Favors***

Councilmembers shall not take advantage of services or opportunities for personal gain by virtue of their public office that is not available to the public in general. They shall refrain from accepting gifts, favors or promises of future benefits that might compromise their independence of judgment or action or give the appearance of being compromised.

#### ***Confidential Information***

Councilmembers shall respect and preserve the confidentiality of information provided to them concerning the confidential matters of the City. They shall neither disclose confidential information without proper legal authorization nor use such information to advance their personal, financial or private interests.

***Use of Public Resources***

Councilmembers shall not use public resources not available to the general public (e.g., City staff time, equipment, supplies or facilities) for private gain or personal purposes.

***Representation of Private Interests***

In keeping with their role as stewards of the public trust, Councilmembers shall not appear on behalf of the private interests of a third-party before the City Council or any board, areas of responsibility or committee or proceeding of the City.

***Advocacy***

To the best of their ability, Councilmembers shall represent the official policies and positions of the City Council. When presenting their personal opinions or positions, members shall explicitly state that they do not represent the Council or the City.

***Improper Influence***

Councilmembers shall refrain from using their position to improperly influence the deliberations or decisions of City staff, boards, areas of responsibility or committees.

***Policy Role of Members***

Councilmembers shall respect and adhere to the Council structure of the City of Dorris government as provided in State law and the City Charter.

***Positive Work Environment***

Councilmembers shall support the maintenance of a positive and constructive environment for residents, businesses and City employees.

***Attorney Contact***

Councilmembers shall have the right to contact the City Attorney involving matters under their guidance with all councilmembers receiving the information through phone, fax, letter or e-mail. Councilmembers will notify the City Administrator before contacting attorney. If attorney contact is about Administrator, then councilmembers will notify the Mayor.

***Implementation***

Ethics standards shall be included in the regular orientations for City Council candidates. Councilmembers entering office shall sign a statement affirming they read and understood the City of Dorris' Code of Conduct.

---

Council Member

Date

**City of Dorris**  
**P.O. Box 768**  
**Dorris, CA 96023**  
**530-397-3511; FAX 530-397-8831**

June 1, 2009

Honorable Laura Masunaga, Presiding Judge  
P.O. Box 1026  
Yreka, CA 96097-1026

Re: Required Reporting for Grand Jury Findings and Recommendations

Dear Judge Masunaga:

The Dorris City Administrator submits the following response to the Findings and Recommendation on the complaint of the Dorris Citizens Question Utility Fee Increases

This letter is issued in accordance with California Penal Code sections 933 & 933.05.

**Findings:**

The City Administrator agrees with all the findings except the following:  
Finding #2-The notice stated the "owner of record of a parcel or parcels....etc may submit a protest..." I do not know how to be any plainer than that. I even provided a simple protest ballot form, which is not mandated to provide, to effected property owners. The law does not state that we have to mail more than one notice per property owner. Just that we have to identify the parcels, which was done. I do not think it would have been cost effective to mail one property owner several notices. Many owners have multiple parcels. The City had 13 percent owner protest. If citizens are that concerned, they will show up for the meeting. I have seen the City Hall packed with protesters when it concerned law enforcement or the library.

Finding #3- The forms were reviewed by the attorney, City Clerk, Deputy City Clerk and myself. The law mandates what information has to be submitted with this notice. Any type of legal notice is confusing and the City can be liable for giving advice or false impression of information. I tried to make it as basic as possible within the mandates of the law.

Finding #9-As far as the City can tell, solid waste collection does come under Prop 218 requirements and is a property related fee. Since this is not a city provided service, a resolution has always been used to provide



City approval of the Contractor's rate increase that is allowed in their contract if warranted. The city's water/sewer provided utility was created with an ordinance and uses this procedure to increase our utility rate fees. City followed correct procedures for both the resolution and the ordinances.

**Recommendation Response to R2, R3, R6, R10, R12:**

R2-With several people, including the attorney reviewing the notice, I feel the communication was appropriate for this type of notice.

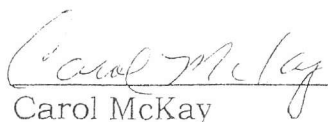
R3-I am aware that communication is important. Besides your recommended review by the City Clerk and Council, I also had the Deputy City Clerk and City Attorney review this notice. All understood the notice and no changes were implemented. Most the citizens in this town know myself or another coworker and would have no problem asking for information on the notice.

R6-One of the reasons we put up the electronic message board was for community information. This notice along with many other City notices are put up on our board. A newsletter would be cost prohibitive as our utility bills are mailed on a postcard. I do not see justification for an additional cost of postage, printing, and publishing of a newsletter being appropriate for the City utility cost. The Herald and News does print our council meeting discussions and decisions. Many citizens do subscribe to this paper. We also have some citizens who faithfully attend the Council meetings as they are concerned on what the Council decides. The City government has an open-door attitude to the public.

R10-The City will continue to work with the Herald and News or any other paper that might publish here to communicate with our citizens. We do publish notices of meetings and city sponsored events which are posted at the post office, City Hall, and Lane's Market. We do print small notices on the utility post cards each month and we use the electronic message board for meetings and events or public notices.

R12- The City does use the message board for council meetings, public hearings, water conservation, burn permit notices, etc. along with community and school events. This board was a dual project with the school district for the betterment of the community.

Sincerely,

  
\_\_\_\_\_  
Carol McKay  
City Administrator

Cc: City Clerk  
Council Read File  
Correspondence file

# **Notice of Public Hearing Concerning Rates for City Water, Wastewater and Solid Waste Services**

## **Dear Customer:**

The purpose of this notice is to explain proposed utility rate increases for City of Dorris water, wastewater and solid waste services. The increases will be considered by the City Council at the July 28, 2008, City Council Meeting and if approved, will go into effect as indicated on the tables located on the back of this notice.

This notice is being sent to all property owners in the City who currently receive any of the three City of Dorris utility services and to property owners outside of the City limits that receive these services. This notice also describes how to file a protest against the proposed rate increases. If a majority of property owners protest, the rates will not be changed. If that occurs, revenues will not keep up with the cost increases for operations, materials and capital costs.

## **Background Information**

The table on the back of the next page summarizes the proposed rate changes. These changes represent the monthly impact proposal from 2008-to 2011. Your actual bills are rounded and may be slightly different than shown on the back of this notice. The Utility Rate Study for Water and Wastewater conducted by the City Engineer had a substantial increase per customer, but the City is proposing a lesser increase than was indicated by the Study. The Utility Study is available at Dorris City Hall, 307 S. Main St., Dorris, CA, for public review.

## **Notice of Public Hearing**

The Dorris City Council will hold a public hearing on the proposed rate increases on Monday, July 28, 2008, at 6:30 p.m. at Dorris City Hall located at 307 S. Main St., Dorris, California. The hearing will cover proposed rate increases for the City's wastewater, water and solid waste services in order to maintain reliable service. If adopted, the proposed rate increases will become effective as indicated on the tables located on the back of this notice.

## **Why are Rates Proposed to be Increased?**

In order to remain compliant with current state and federal guidelines, plan for facility upgrades and to prepare for and accommodate growth, the City develops and adopts capital improvement plans for its wastewater and water utilities. These capital improvement plans assist in future budgeting of expenses and the adoption of future user



rates. Revenues from user rates pay for maintenance and operation of the utilities and for many capital replacement costs or upgrades. Each utility is treated as a stand-alone entity in order to account for expenditures. Several factors have contributed to the increase in costs. In general for all utilities, increased costs for materials, chemicals, labor and equipment, fuel and unfunded State and Federal mandates increase costs. Mandates add to the cost of operation for plant and facilities, waste diversion, and improved water quality.

### **How do I Protest the Proposed Rate Increase?**

The Dorris City Council will consider these proposed increases at a public hearing at 6:30 p.m., Monday July 28, 2008 at 307 S. Main St., Dorris, California. Under State law, if you are the owner of record of a parcel or parcels subject to the proposed rate changes you may submit a protest against any or all of the proposed rate changes by filing a written protest with the City Clerk at or before the time set for the public hearing. If a written protest is filed by a majority of the affected parcel owners, the proposed rate changes will not be imposed.

A written protest must contain a description of the parcel or parcels in which the party signing the protest has an interest sufficient to identify the parcel(s). If the party signing the protest is not shown on the last equalized assessment role of Siskiyou County as the owner of the parcel(s), the protest must contain or be accompanied by written evidence that such party is the owner of the parcel(s). A protest should also indicate which proposed utility increase is being protested: water, wastewater or solid waste. For your convenience, a form is provided below.

### **Protest Form.....**

If you object to the proposed increase in the monthly service charges you may complete this form, detach it, and mail it to the Dorris City Clerk, P.O. Box 768, Dorris, CA 96023 or hand deliver it to the City Clerk's office at 307 S. Main St., Dorris. In order for this form to be counted as a valid protest, against a proposed rate increase, the form must be signed and delivered to the City Clerk no later than the end of the public hearing noticed above on July 28, 2008. Only one protest is permitted per property.

Assessor's Parcel Number: \_\_\_\_\_ Parcel Address: \_\_\_\_\_

I protest the proposed rate increase to fund the operation, maintenance and replacement costs relating to providing the following utility service: Check which service(s) are being protested.

- \_\_\_\_\_ Water Rate Increase
- \_\_\_\_\_ Wastewater Rate Increase
- \_\_\_\_\_ Solid Waste Service Increase

I hereby declare under penalty of perjury that I am the owner of the above listed property or the authorized representative of the owner of the above listed property.

Please sign here: \_\_\_\_\_

Please print the name of the property owner here: \_\_\_\_\_

Water Category	Current	2008+	2009 +	2010+		
		CPI 3.9%	*CPI	*CPI		
Residential #1	\$ 32.30	\$ 35.89	\$ 38.23	\$ 40.57		
Residential #2	\$ 40.66	\$ 44.49	\$ 46.73	\$ 48.97		
Non-Resid.	\$ 20.00	\$ 23.26	\$ 25.74	\$ 28.22		
Commercial #1	\$ 39.31	\$ 43.10	\$ 45.35	\$ 47.60		
Commercial #2	\$ 44.96	\$ 48.89	\$ 51.07	\$ 53.25		
Commercial #3	\$ 56.17	\$ 60.42	\$ 62.48	\$ 64.54		
Commercial #4	\$ 84.26	\$ 89.72	\$ 91.45	\$ 93.18		
Commercial #5	\$ 308.97	\$ 320.14	\$ 319.26	\$ 318.38		
Commercial #6	\$ 389.82	\$ 404.37	\$ 404.31	\$ 404.24		
<b>Sewer Category</b>						
Residential #1	\$ 12.92	\$ 14.86	\$ 16.30	\$ 17.74		
Residential #2	\$ 16.27	\$ 19.47	\$ 22.04	\$ 24.61		
Non-Resident						
Commercial #1	\$ 15.72	\$ 19.38	\$ 22.43	\$ 25.48		
Commercial #2	\$ 17.99	\$ 21.25	\$ 24.64	\$ 28.16		
Commercial #3	\$ 22.46	\$ 25.86	\$ 29.39	\$ 33.06		
Commercial #4	\$ 33.71	\$ 37.45	\$ 41.34	\$ 45.38		
Commercial #5	\$ 123.60	\$ 130.09	\$ 136.83	\$ 143.84		
Commercial #6	\$ 155.92	\$ 163.40	\$ 171.18	\$ 179.25		

\*Additional annual increases up until 2011 will be determined by one-hundred percent (100%) of the change in the Consumer Price Index for All Urban Consumers average for the 12-month period ending the preceding April.

Solid Waste **	Current	2008-09				
Service Level		Monthly Rate				
1 can curb	\$ 12.30	\$ 12.66				
2 cans curb	\$ 18.90	\$ 19.45				
3 cans curb	\$ 27.25	\$ 28.04				
4 cans curb	\$ 37.00	\$ 38.07				
Commercial Rates - Can Service (Weekly Service)						
Service Level		Monthly Rate				
1 can curb	\$ 12.30	\$ 12.66				
2 cans curb	\$ 18.90	\$ 19.45				
3 cans curb	\$ 27.25	\$ 28.04				
4 cans curb	\$ 37.00	\$ 38.07				
Commercial Rates - Container Service				2008-09		
Service Level	Current		Frequency and Monthly Rate			
	EOW	1x Week	2x Week	EOW	1x Week	2x Week
1 yd	\$ 42.72	\$ 65.44	\$ 110.58	\$ 43.96	\$ 67.34	\$ 113.79
1.5 yd	\$ 59.36	\$ 87.16	\$ 150.72	\$ 61.08	\$ 89.69	\$ 155.09
2 yd	\$ 78.69	\$ 110.53	\$ 190.71	\$ 80.97	\$ 113.74	\$ 196.24
3 yd	\$ 104.01	\$ 150.72	\$ 272.35	\$ 107.03	\$ 155.09	\$ 280.25
4 yd	\$ 136.53	\$ 190.71	\$ 348.33	\$ 140.49	\$ 196.24	\$ 358.43
5 yd	\$ 152.75	\$ 225.76	\$ 419.61	\$ 157.18	\$ 232.31	\$ 431.78
6 yd	\$ 184.92	\$ 272.35	\$ 496.84	\$ 190.28	\$ 280.25	\$ 511.25
10 yd*	\$ 280.46	\$ 419.61	\$ 737.07	\$ 288.59	\$ 431.78	\$ 758.45
*10 yd service is no longer offered. Rates are for existing customers only.						
	Extra Can/Bag/Box Rates - Pick Up on Regular Collection Day					
		Current	Per Unit Rate			
	Extra Can	\$7.00	\$ 7.20			
	Extra Bag/Box	\$1.00	\$ 1.03			

\*\*Solid waste service is provided by Waste Management by contract with the City of Dorris. Additional annual increases up until 2012 will be determined by one-hundred percent (100%) of the change in the Consumer Price Index San Francisco-Oakland-San Jose Area for All Urban Consumers average for the 12-month period ending the preceding April. Annual increases may also include adjustments for unforeseen changes in operation or increase in costs that are beyond the control of Waste Management.

GRAND JURY REPORT RESPONSE  
UTILITY FEE INCREASE

Findings for F3:

I disagree with the findings of F3. Our City office is open Monday-Friday 8am-4:30pm, with myself or the deputy City Clerk present. We were available in the office or by telephone to answer any questions regarding the procedure. There was a 45 day response period which gave the citizens ample time to respond or ask questions if they felt the form was confusing.

Response for Recommendation R3

As we do with all correspondence, the forms were reviewed by myself after creation by the City Administrator. Since this was a new procedure that had to be followed to the letter of the law, the City Attorney also reviewed and approved the form and content.

Findings for F6:

I agree with the findings of F6. Some citizens do not trust any form of government.

Response for Recommendation R6

The staff of the City Hall makes every effort to keep the citizens informed and keep communication open. We are available Monday – Friday 8am – 4:30 pm at the window and by phone for any and all questions. Since Dorris is a small community, I have even answered peoples concerns and questions on my own time from phone calls to my home or at business where I am a patron. Our utility bills are sent on post cards with a memo section. It would be cost prohibitive especially in this time of fiscal crisis to create and mail a newsletter.

Findings for F12:

I agree with the findings of F12. The City office needs to make more of an effort to use the marquee to announce public hearings, council meetings, etc.

Response for Recommendation R12

We are making a conscience effort to use our marquee as a public information board. I also email all Council agendas and public hearing notices to anyone who asks. I have created a Council Info Group in my email addresses and use it consistently.

Respectfully Submitted

Shelly L. Ferr

Shelly L. Ferr  
City Clerk  
City of Dorris

GRAND JURY REPORT RESPONSE  
COUNCIL MEETING COMPLAINT

Findings for F1

I agree with the findings. This was a social function, nothing more. We did not receive any citizen complaints on this matter.

Response for Recommendation R1

This was not a special meeting. It was a social event. No business was discussed. It was retirement potluck. There was a lot of food, laughter and even a few tears, but not business. Having been the City Clerk for almost 7 years I have never not posted a meeting and am very aware of public perception. I post all city sponsored public events according to the timelines in the Brown Act, but since this was strictly a social event I did not post it. In accordance with the Brown Act, social events do not fall under the guideline and posting is not required.

Findings for F2

I disagree with the findings for F2. Our Council receives Ethics training every 2 years. I as City Clerk need to make sure they remember that part of the training is a section on the Brown Act.

Response for Recommendation R2

All elected officials and the City Administrator receives ethics training which includes the Brown Act as required by law every 2 years. This was done by Jack Kastroff, Risk Manager for our insurance agency. The training took place in December of 2006 and again in December of 2008. A section of the Brown Act is included as part of the Council Handbook which is given to all new Council members when they take office.

Respectfully Submitted



Shelly L Ferr  
City Clerk  
City of Dorris